

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, January 26, 1939.

The City Council convened in regular session, at its regular meeting place in the City Hall, on January 26, 1939, at 10:45 A. M., with Mayor Pro Tem Oswald G. Wolf presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, Simon Gillis, Mayor Pro Tem Oswald G. Wolf; absent, Mayor Tom Miller and Councilman C. M. Bartholomew.

The Minutes of the meetings of January 13 and January 19, 1939, were read, and upon motion of Councilman Alford, were adopted as read, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Pro Tem Wolf; nays, none; Councilman Bartholomew and Mayor Miller absent.

The following report of the Board of Adjustment was received:

Austin, Texas
January 25, 1939

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on January 19, 1939:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of E. L. Rhambo, Henry Pryor, and Frank Wicks requesting a change in the Use and Height and Area designation of property situated on the west side of Chestnut Avenue north of Rosewood Avenue from "A" Residence and First Height and Area District to "C" Commercial District and Second Height and Area District; and

WHEREAS, the Board of Adjustment held a hearing on this petition on January 19, 1939; and

WHEREAS, the original petition was accompanied by a written statement of consent signed by 58 adjoining and neighboring residents and property owners; and

WHEREAS, this property is situated west of Rosewood Park and consists of two blocks fronting on Chestnut Avenue; and

WHEREAS, the zoning maps of the City of Austin show that there is already a commercial district at the corner of Chestnut Avenue and Rosewood Avenue and that this change would extend this business district northward on Chestnut Avenue opposite Rosewood Park; and

WHEREAS, the Board has had numerous appeals for permits to establish business activities on this street and there are now several non-conforming uses on this street; and

WHEREAS, the Board has viewed the property and carefully considered conditions surrounding the same and the trend of development and otherwise considered the question in the light of sound zoning principles; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is recommended to the City Council that this property be changed from "A" Residence District and First Height and Area District to "C" Commercial District and Second Height and Area District on the grounds that this property is better suited for commercial purposes and in view of the numerous appeals for commercial permits which indicates a public demand for this type of use of the property.

BOARD OF ADJUSTMENT

By (Signed) H. F. Kuehne
Chairman.

Councilman Gillis moved that the foregoing report of the Board of Adjustment be approved, and that a public hearing on the proposal to change the zoning of the property described therein be called for February 16, 1939, at 11:00 A. M. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Pro Tem Wolf; nays, none; Councilman Bartholomew and Mayor Miller absent.

The following report of the Board of Adjustment was received:

"Austin, Texas
January 25, 1939

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on January 19, 1939:

RESOLUTION.

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mrs. J. R. McKee requesting a change in the Use designation of Lot 16, situated on the corner of Ash Street and Robin Hood Trail, from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on January 19, 1939, at which no protests were heard against this change; and

WHEREAS, this request is for the change of the Use designation of a single lot in a single ownership at the intersection of Ash Street and Robin Hood Trail, and if so changed would constitute a spot zone; and

WHEREAS, the Board carefully considered this petition and viewed the property and the surrounding neighborhood with a view to determining the necessity and desirability of a business district at this particular location; and

WHEREAS, the zoning maps of the City of Austin disclosed the fact that there is no commercial retail business district west of the Missouri Pacific Railroad, with the exception of a district in Tarrytown and one at the Tom Miller Dam; and

WHEREAS, this area of the City is rapidly developing into a large residential district which sooner or later will be without adequate retail services; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above petitioned change of this single lot be not recommended, but that a larger area be designated, consisting of the four corners of the intersection of Ash Street and Robin Hood Trail, to be changed from "A" Residence District to "C" Commercial District as it is deemed that there is a need for a community center in this area and that it should be of adequate size to provide the necessary services which will be required by this extensive area of residential development in view of the fact that there is now no adequate provision for retail districts for the convenience of the large population which will eventually occupy this area.

BOARD OF ADJUSTMENT,

By (Signed) H. F. Kuehne
Chairman. "

Councilman Alford moved that the foregoing report of the Board of Adjustment be approved, and that a public hearing on the proposal to change the zoning of the property recommended by said Board be called for February 16, 1939, at 11:00 A. M. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Pro Tem Wolf; nays, none; Councilman Bartholomew and Mayor Miller absent.

Councilman Alford introduced the following resolution:

WHEREAS, T. A. Webb is the contractor for the replacement of an awning located at 1816 East 6th Street and desires a portion of the sidewalk space abutting Lot 11, Outlot 6, Division "A", of the City of Austin, Travis County, Texas, during the replacement of the awning, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said T. A. Webb, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the southwest corner of the above described property; thence in a southerly direction and at right angles with the centerline of East 6th Street 8 feet to a point; thence in an easterly direction and parallel with the centerline of 6th Street 25 feet to a point; thence in a northerly direction 8 feet to the south line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said T. A. Webb, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the west, south, and east lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor shall in no way obstruct any fire plug or other public utilities in the construction of such barricades.

(3) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(5) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than February 15, 1939.

(6) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said awning, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Pro Tem Wolf; nays, none; Councilman Bartholomew and Mayor Miller absent.

Councilman Alford introduced the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay

and construct its gas mains in and upon the following streets:

(1) A gas main in EAST 32ND STREET from Beanna Street westerly to a point approximately 253 feet east of Fairfax Walk, the centerline of which gas main shall be 13 feet south of and parallel to the north line of said East 32nd Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(2) A gas main across EAST 32ND STREET near Beanna Street intersection, the centerline of which gas main shall be 5 feet west of and parallel to the west line of said Beanna Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in EAST 32ND STREET from Beanna Street east approximately 50 feet, the centerline of which gas main shall be 14 feet north of and parallel to the south line of said East 32nd Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in LOCKHART DRIVE easterly 88 feet from a point 75 feet east of the east line of Brackenridge Street, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Lockhart Drive.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in WEST 32ND STREET westerly 30 feet from a point 60 feet west of the west line of Mill Street, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said West 32nd Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(6) A gas main in GASTON AVENUE westerly 163 feet from a point 17 feet west of the west line of McCallum Drive, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Gaston Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(7) A gas main in WEST JAMES STREET easterly 80 feet from a point 65 feet east of the east line of South 5th Street, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said West James Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(8) A gas main in RED RIVER STREET ALLEY southerly 55 feet from a point 195 feet south of the south line of East 21st Street, the centerline of which gas main shall be 5 feet east of and parallel to the west line of said Red River Street Alley.

Said gas main described above shall have a covering of not less than 2½ feet.

(9) A gas main in DUVAL STREET southerly 94 feet from a point 65 feet south of the south line of East 52nd Street, the centerline of which gas main shall be 19 feet east of and parallel to the west line of said Duval Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(10) A gas main in BURNET ROAD northerly 124 feet from a point 100 feet north of the north line of West 45th Street, the centerline of which gas main shall be 1 foot east of and parallel to the west line of said Burnet Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(11) A gas main in SHOALWOOD AVENUE southerly 170 feet from a point 55 feet south of the south line of West 46th Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Shoalwood Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the

minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Pro Tem Wolf; nays, none; Councilman Bartholomew and Mayor Miller absent.

Councilman Gillis introduced the following resolution:

WHEREAS, the City of Austin is the owner of a certain 43.596 acre tract of land situated immediately west of the Tom Miller Dam now under construction and adjoining the Colorado River, Bee Creek and Little Bee Creek; and

WHEREAS, the control of the mouth of Bee Creek and that part of Little Bee Creek adjacent to and west of said land is highly desirable for the City of Austin in development of said 43.596 acre tract for boating and recreation purposes after completion of said Dam; and

WHEREAS, the City of Austin also owns a ten-acre tract of land situated about one-half mile west of the Colorado River, acquired in 1910 for a reservoir site, which tract is no longer needed or desirable for such reservoir purposes; and

WHEREAS, it is deemed necessary and advisable for the City of Austin to acquire title including water rights in and to the mouth of Bee Creek and that half of Little Bee Creek contiguous to the City's 43.596 acre tract; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be, and he is hereby, authorized and directed to enter into a contract and trade as follows: The City shall acquire title to the bed of Bee Creek from its mouth west to a point on the north bank of said Creek opposite the approximate center of the mouth of Little Bee Creek, and thence up the middle of Little Bee Creek adjacent to the tract owned by the City on the east side of said stream, and the City shall in addition thereto receive the sum of Two Hundred and Fifty (\$250) Dollars in cash; and in exchange for said property in Bee Creek and Little Bee Creek, and the receipt of said \$250, the City will convey and sell that certain ten acres situated about one-half mile west of the Colorado River acquired by the City in 1910 for reservoir purposes, which property is no longer needed or desirable for said purposes.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Pro Tem Wolf; nays, none; Councilman Bartholomew and Mayor Miller absent.

Councilman Alford introduced the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and

sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other materials; and

WHEREAS, J. R. Allen, owner of Lot 7 and the north 85 feet of Lot 6, of Block 18, of the Original Pemberton Heights, a subdivision within the City of Austin, Travis County, Texas, which property is locally known as 2505 Wooldridge Drive, has made application to the City Council of the City of Austin for permission to construct a flagstone walk from the curb line to the property line at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT J. R. Allen, owner of Lot 7 and the north 85 feet of Lot 6, all in Block 18 of the Original Pemberton Heights, a subdivision within the City of Austin, Travis County, Texas, which property is locally known as 2505 Wooldridge Drive, is hereby granted permission to construct a flagstone walk from the property line to the curb line at the above described location and said walk is to be constructed under the supervision and direction of the City Engineer of the City of Austin, and in accordance with lines and grades furnished by the City Engineering Department of the City of Austin, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Pro Tem Wolf; nays, none; Councilman Bartholomew and Mayor Miller absent.

Councilman Alford introduced the following resolution:

WHEREAS, City of Austin taxes were assessed in the name of Elmer Hubbard for the various years shown by the Tax Assessor's rolls of the City of Austin, which are made a part hereof, to which reference is hereby made for all pertinent purposes, upon Lot 10, Block 8, Outlot 58, Division "B", Plat 36, in the City of Austin, Travis County, Texas, and Lots 1 and 2, Block 12, Outlot 57, Division "B", Plat 36, in the City of Austin, Travis County, Texas, the taxes upon said described land for the various years up to and including the year 1938 aggregating \$360.76, and the penalty for non-payment of said taxes at maturity upon said property amounting to \$16.79, and the interest for non-payment of said taxes when due amounting to \$151.14, making the aggregate amount of taxes, penalty and interest, \$528.69; and

WHEREAS, the City Council of the City of Austin deems it just and equitable under the circumstances to remit said penalty in the sum of \$16.79, and one-half of the interest in the sum of \$75.57, leaving the amount due, \$436.33, plus court costs in suit No. 45889, leaving a total of \$438.33; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$16.79 and one-half of the interest on said taxes in the sum of \$75.57, is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty of \$16.75 off his roll and one-half of the interest on said taxes in the sum of \$75.57, and to issue

to Ben H. Powell, the present owner of said land, a receipt in full on the payment of said taxes and interest, plus \$2.00 court costs, all aggregating \$438.33, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Pro Tem Wolf; nays, none; Councilman Bartholomew and Mayor Miller absent.

Councilman Gillis introduced the following resolution:

WHEREAS, taxes have been assessed prior to 1931 and are on the tax rolls of the Assessor and Collector of the City of Austin on the following described property in the City of Austin, Travis County, Texas:

First Tract: Assessed in the name of Wesley Chapel M. E. Church, on the north 1/2 of Lot 4, Block 1, Outlot 56, Division "B", for the year 1921, \$16.50, and 1922, \$15.37; and on the north 1/2 of Lot 3, Block 1, Outlot 56, Division "B", for the year 1929, \$47.25, and 1930, \$47.25; total, \$126.37;

Second Tract: Assessed in the name of Parsonage Church of God in Christ, on 107x87 1/2 feet, south end of Lot 3, Block 3, Outlot 56, Division "B", for the years 1920 to 1930, both inclusive, in the aggregate sum of \$234.77;

Third Tract: Assessed in the name of Parsonage Grant Chapel Methodist Church, on the east 40 feet of Lot 1, Block 10, Outlot 58, Division "B", for the years 1919 to 1930, both inclusive, in the aggregate sum of \$97.37;

Fourth Tract: Assessed in the name of Parsonage Hyde Park Methodist Church, on Lots 5 and 6, Block 15, Hyde Park No. 1, for the years 1925 to 1930, both inclusive, in the aggregate sum of \$158.35;

Fifth Tract: Assessed in the name of Parsonage Metropolitan A. M. E. Church, on Lots 1 and 2, Block 6, Outlot 2-3, Division "B", for the years 1926, 1928, 1929, 1930, in the aggregate sum of \$158.95;

Sixth Tract: Assessed in the name of Parsonage Pentecostal Church of Nazarenes, on the north 40 feet of Lots 25 and 26, Block 3, Outlot 31-32, Division "O", for the years 1919 to 1930, both inclusive, in the aggregate sum of \$213.78;

Seventh Tract: Assessed in the name of Parsonage Simpson Tabernacle, on Lot A-B, Block 13-14, Outlot 57, Division "B", for the years 1921, 1927, 1928, 1929, and 1930, in the aggregate sum of \$131.00;

Eighth Tract: Assessed in the name of Parsonage Sweet Home Missionary Church, on the north half (N.1/2) of Lot 1 (B), Block 14, Hume Resubdivision of Maas Subdivision, for the years 1928, 1929, and 1930, in the aggregate sum of \$27.72;

Ninth Tract: Assessed in the name of Christian Womens Board of Missions, on Lot 2, Outlot 18, Division "D", for the years 1919 to 1930, both inclusive, in the aggregate sum of \$1749.01; and

WHEREAS, the aforesaid taxes aggregate \$2897.32, exclusive of penalties and interest; and

WHEREAS, the aforesaid properties have been used by the respective churches above named as parsonages or dwelling places for their respective ministers, and the City Council deems it wise and advisable to remit said taxes; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid taxes on the respective properties, for the years named above are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge same off his assessment rolls.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Pro Tem Wolf; nays, none; Councilman Bartholomew and Mayor Miller absent.

The City Manager submitted to the City Council a copy of a letter which he had written to the Federal Power Commission in protest of an Associated Press dispatch of January 22, alleging that Austin's electric rates were among the highest in the nation.

Upon motion, seconded and carried, the meeting was recessed at 11:55 A. M., subject to call of the Mayor.

Approved Oswald G. Wolf
Mayor Pro Tem.

Attest:
Marie McLean
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 2, 1939.

The City Council convened in regular session, at its regular meeting place in the City Hall, on Thursday, February 2, 1939, at 10:30 A. M., with Mayor Pro Tem Oswald G. Wolf presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, C. M. Bartholomew, Simon Gillis, and Mayor Pro Tem Oswald G. Wolf; absent, Mayor Tom Miller.

The Minutes of the regular meeting of January 26 were read, and upon motion of Councilman Bartholomew, were adopted as read, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem Wolf; nays, none; Mayor Miller absent.

Mrs. Gertrude Miller appeared before the Council relative to her claim against the City of Austin, in the sum of \$300, for a refund of burial expenses of J. E. Wood, deceased, on the ground that the body of said deceased was ordered disinterred from Oakwood Annex without the proper authority. The matter was referred to the City Manager for investigation.

Councilman Alford introduced the following resolution:

WHEREAS, J. L. Brown is the contractor for the repair of an awning located at 4015 Guadalupe Street and desires a portion of the sidewalk area abutting Lots 1, 2, and 3, Block 8 of Hyde Park No. 2, a subdivision within the City of Austin, Travis County, Texas, during the repair of the awning, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said J. L. Brown,